

Article - Environment

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§9-1704.

(a) (1) If a county with a population greater than 150,000 determines it cannot achieve a reduction of 35% of its solid waste stream under § 9-505 of this title, the county shall:

(i) Conduct a public hearing on the proposed reduction that may be conducted jointly with other public hearings or meetings; and

(ii) Publish notice of the time and place of the public hearing, together with a summary of the justification for the proposed reduction, in a newspaper of general circulation in the county once a week for 2 consecutive weeks before the hearing in the county.

(2) The Secretary shall review a county plan that does not meet the 35% recycling goal to determine whether the county's maximum goal, as stated in the plan, can be demonstrated to have a reasonable basis.

(3) The Secretary shall require revision of a county plan if, pursuant to a review under paragraph (2) of this subsection, the county's determination of its maximum goal is found to be unsupported by competent, material, and substantial evidence in light of the entire plan as submitted.

(b) (1) If a county with a population less than 150,000 determines it cannot achieve a reduction of 20% of its solid waste stream under § 9-505 of this title, the county shall:

(i) Conduct a public hearing on the proposed reduction that may be conducted jointly with other public hearings or meetings; and

(ii) Publish notice of the time and place of the public hearing, together with a summary of the justification for the proposed reduction in a newspaper of general circulation in the county once a week for 2 consecutive weeks before the hearing in the county.

(2) The Secretary shall review a county plan that does not meet the 20% recycling goal to determine whether the county's maximum goal, as stated in the plan, can be demonstrated to have a reasonable basis.

(3) The Secretary shall require revision of a county plan if, pursuant to a review under paragraph (2) of this subsection, the county's determination of its maximum goal is found to be unsupported by competent, material, and substantial evidence in light of the entire plan as submitted.

(4) (i) Subject to subparagraph (ii) of this paragraph, when calculating a county's recycling rate for the purposes of this subsection, a county with a population of less than 100,000 may combine its recycling rate with the recycling rates of one or more adjacent counties.

(ii) A county may not use the recycling rate calculation in this paragraph for more than 5 consecutive years.

(iii) Subject to subparagraph (iv) of this paragraph, each county that elects to use the recycling rate calculation in this paragraph shall submit a letter of concurrence from the highest elected official of the county to the Secretary:

1. That states the county's agreement to combine its recycling rate calculation with the recycling rate calculation of an adjacent county; and

2. At the same time the annual report required under § 9-1705(b) of this subtitle is submitted.

(iv) The annual report required under § 9-1705(b) of this subtitle shall be submitted as one report for the counties that elect to use the recycling rate calculation under this paragraph.

(v) The Secretary shall calculate one recycling rate for the counties that elect to use the recycling rate calculation in accordance with this paragraph.

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